

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

KANTON TALLEY,

Movant,

v.

CIVIL ACTION NO. 3:07-0407
CRIMINAL ACTION NO. 3:05-00207

UNITED STATES OF AMERICAN,

Respondent.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court dismiss Movant's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by Person in Federal Custody filed on June 28, 2007 (Doc. # 54), and remove this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DISMISSES** Movant's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by Person in Federal Custody filed on June 28, 2007 (Doc. # 54), and **REMOVES** this matter from the Court's docket, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: September 16, 2010

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE